



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1992/P5
MDK:wlj&amn

DOA:.....Sherwin, BB0347 - State office of sustainability and clean energy

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

1. The office of sustainability and clean energy

This bill creates the office of sustainability and clean energy in DOA to administer certain energy programs. The office is headed by a director outside the classified service who is appointed by the governor to serve at the governor's pleasure. Under current law, the PSC has established an office of energy innovation to administer various energy-related programs, including utility-funded statewide energy efficiency and renewable resources programs that are commonly referred to as Focus on Energy programs. The bill transfers the administration of those energy-related programs, except for Focus on Energy programs, to the office created in the bill. The bill also transfers to that office certain duties of the PSC regarding state agency energy planning, energy shortage contingency planning, and administering federal energy grants. Also, the bill requires that office to work on initiatives with specified goals regarding clean and renewable energy, innovative sustainability, and diversification of energy resources and imposes duties on the office for advising, supporting, reporting, and assisting state agencies, local governments, and private entities on clean and renewable energy. The bill allows the office to provide technical assistance to governmental units that is similar to

technical assistance the PSC is allowed to provide under current law, and the bill requires the office and PSC to consult with each other on that assistance. In addition, the bill requires the office to establish a program for making grants from the environmental fund for clean energy production research.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.105 (34) of the statutes is created to read:

15.105 (34) OFFICE OF SUSTAINABILITY AND CLEAN ENERGY. There is created in the department of administration an office to be known as the office of sustainability and clean energy. The office shall be under the direction and supervision of a director who shall be appointed by the governor to serve at the governor's pleasure.

SECTION 2. 16.954 of the statutes is created to read:

16.954 Office of sustainability and clean energy. (1) DEFINITIONS. In this section:

(a) "Office" means the office of sustainability and clean energy.

(b) "Public utility" has the meaning given in s. 196.01 (5).

(2) INITIATIVES. The office shall work on initiatives that have the following goals:

(a) Promoting the development and use of clean and renewable energy across this state.

(b) Advancing innovative sustainability solutions in ways that improve this state's economy and environment, including energy initiatives that reduce carbon emissions, accelerate economic growth, and lower customer energy costs.

(c) Diversifying the resources used to reliably meet the energy needs of consumers in this state and generate family-supporting jobs through the expansion of this state's clean energy economy.

(3) OTHER DUTIES. The office shall do all of the following:

(b) Provide advice and support to state agencies in developing or retrofitting sustainable infrastructure to reduce energy use and lessen negative impacts on this state's air and water quality.

(c) Study and report on the status of existing clean and renewable energy efforts by the state, including economic development initiatives, and develop future energy policy opportunities for consideration by the governor and state agencies.

(d) Serve as a single point of contact to assist businesses, local units of government, and nongovernmental organizations that are pursuing clean energy opportunities.

(e) Identify and share information about clean energy funding opportunities for private, and state and local governmental entities.

(f) Perform duties necessary to maintain federal energy funding and any designations required for such funding.

(i) Take other steps necessary to facilitate the implementation of the initiatives and goals specified in sub. (2) and to identify and address barriers to the implementation of those initiatives.

(4) CLEAN ENERGY GRANTS. The office shall establish a program for making grants from the appropriation under s. 20.505 (4) (q) to fund research in support of clean energy production.

(5) TECHNICAL ASSISTANCE. (a) The office may provide technical assistance to units of government other than the state to assist in the planning and

implementation of energy efficiency and renewable resources and may charge for those services. The office may request technical and staff assistance from other state agencies in providing technical assistance to those units of government.

(b) The office may require a public utility to provide energy billing and use data regarding public schools, if the office determines that the data is necessary to provide technical assistance under par. (a) in public schools, including those with the highest energy costs.

(c) The office shall consult with the public service commission in implementing this subsection.

SECTION 3. 20.505 (4) (m) of the statutes is created to read:

20.505 (4) (m) *Federal aid; office of sustainability and clean energy.* All moneys received from the federal government as authorized by the governor under s. 16.54 for the purposes of funding programs administered under s. 16.954.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 4. 20.505 (4) (q) of the statutes is created to read:

20.505 (4) (q) *Clean energy grants.* From the environmental fund, the amounts in the schedule for grants under s. 16.954 (4).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 5. 20.923 (4) (c) 2m. of the statutes is created to read:

20.923 (4) (c) 2m. Administration, department of; office of sustainability and clean energy: director.

SECTION 6. 196.025 (7) (title) and (a) (intro.) of the statutes are repealed.

SECTION 7. 196.025 (7) (a) 1. of the statutes is renumbered 16.954 (3) (a) and amended to read:

16.954 (3) (a) In cooperation with the other state agencies, collect, analyze, interpret, and maintain the comprehensive data needed for effective state agency clean and renewable energy planning and effective review of those plans by the governor and the legislature.

SECTION 8. 196.025 (7) (a) 2. of the statutes is renumbered 16.954 (3) (g).

SECTION 9. 196.025 (7) (a) 3. of the statutes is renumbered 16.954 (3) (h) and amended to read:

16.954 (3) (h) Prepare In consultation with the public service commission, prepare and maintain contingency plans for responding to critical energy shortages so that when the shortages occur they can be dealt with quickly and effectively.

SECTION 10. 196.025 (7) (b) of the statutes is renumbered 196.38 (1).

SECTION 11. 196.025 (7) (c) of the statutes is renumbered 196.38 (2) and amended to read:

196.38 (2) The commission may require a public utility to provide energy billing and use data regarding public schools, if the commission determines that the data is necessary to provide technical assistance ~~in the planning and implementation of energy efficiency and renewable resources~~ under sub. (1) in public schools, including those with the highest energy costs.

SECTION 12. 196.38 (title) of the statutes is created to read:

196.38 (title) Technical assistance to governmental units.

SECTION 13. 196.38 (3) of the statutes is created to read:

196.38 (3) The commission shall consult with the office of sustainability and clean energy in implementing this section.

SECTION 14. 230.08 (2) (ya) of the statutes is created to read:

230.08 (2) (ya) The director of the office of sustainability and clean energy in the department of administration.

SECTION 9136. Nonstatutory provisions; Public Service Commission.

(1) OFFICE OF ENERGY INNOVATION.

(a) *Definitions.* In this subsection:

1. “Commission” means the public service commission.

2. “Department” means the department of administration.

3. “Focus on energy programs” means the statewide energy efficiency and renewable resource programs established under s. 196.374 (2) (a) 1.

4. “Office” means the office of energy innovation in the commission.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the commission primarily relating to the office, except for assets and liabilities primarily relating to focus on energy programs, as determined by the secretary of administration, become the assets and liabilities of the department.

(c) *Employee transfers.* On the effective date of this paragraph, 5.0 FTE FED positions, and the incumbent employees holding those positions, in the commission who perform duties primarily related to the office, except for duties primarily relating to focus on energy programs, as determined by the secretary of administration, are transferred to the department.

(d) *Employee status.* Employees transferred under par. (c) have all the rights and the same status under ch. 230 in the department that they enjoyed in the commission immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the commission primarily relating to the office, except for property primarily relating to focus on energy programs, as determined by the secretary of administration, becomes the personal property of the department.

(f) *Pending matters.* Any matter pending with the commission primarily relating to the office, except for matters primarily relating to focus on energy programs, as determined by the secretary of administration, on the effective date of this paragraph is transferred to the department. All materials submitted to or actions taken by the commission are considered as having been submitted to or taken by the department.

(g) *Contracts.* All contracts entered into by the commission primarily relating to the office, except for contracts primarily relating to focus on energy programs, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to the department. The department shall carry out any obligations under those contracts unless modified or rescinded to the extent allowed under the contract.

(h) *Rules and orders.* All rules promulgated by the commission under s. 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department. All orders issued by the commission under s. 196.025 (7), 2017 stats., in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department.

SECTION 9401. Effective dates; Administration.

(1) OFFICE OF SUSTAINABILITY AND CLEAN ENERGY. The treatment of ss. 15.105 (34), 16.954, 20.505 (4) (m) and (q), 20.923 (4) (c) 2m., 196.025 (7) (title) and (a) (intro.) and 1., 2., and 3., and 230.08 (2) (ya) takes effect on October 1, 2019, or on the day after publication, whichever is later.

SECTION 9436. Effective dates; Public Service Commission.

(1) OFFICE OF ENERGY INNOVATION. SECTION 9136 (1) of this act takes effect on October 1, 2019, or on the day after publication, whichever is later.

(2) TECHNICAL ASSISTANCE. The treatment of ss. 196.025 (7) (b) and (c) and 196.38 (title) and (3) takes effect on October 1, 2019, or on the day after publication, whichever is later.

(END)